

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al	15-cv-9903 (GBD)(SN) ECF Case

**DECLARATION IN SUPPORT OF (RENEWED) MOTION FOR
ENTRY OF PARTIAL FINAL DEFAULT JUDGMENTS ON BEHALF
OF BURNETT/IRAN PLAINTIFFS IDENTIFIED AT EXHIBIT A
(BURNETT / IRAN I)**

ROBERT T. HAEFELE, Esquire, hereby states under penalty of perjury that:

1. I am an attorney with the law firm of Motley Rice LLC, attorney for the Plaintiffs in the above-captioned matters. I submit this Declaration in support of this motion on behalf of the Plaintiffs identified in Exhibit A (attached hereto) from the action titled *Burnett, et al., v. The Islamic Republic of Iran, et al.*, 15-cv-9903-GBD-SN.

2. The form of this motion and the relief requested herein are intended to comply with the following orders of this Court:

- a. The Court's order dated January 24, 2017 (ECF No. 3435¹), requiring that "[a]ll further motions for final judgment against any defaulting defendant shall be accompanied by a sworn declaration attesting that the attorney has (1) complied with the due diligence safeguards [referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs' Executive Committee (ECF No. 3433)] and (2) personally verified that no relief has previously been awarded to any plaintiff included in the judgment (or, if relief has been awarded, the nature of that relief)." For compliance with the required sworn declaration, please see paragraph 7, below.
- b. The Court's Order dated October 14, 2016 (ECF No. 3363) concerning the amounts of solatium damage awards.

¹ Unless indicated differently, citations to ECF Nos. are to the docket in *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD)(SN).

- c. The Court's Order dated October 14, 2016 (ECF No. 3362) related to the cases captioned as *Bauer v. Al Qaeda Islamic Army*, 02-CV-7236 (GBD)(SN) and *Ashton v. al Qaeda Islamic Army*, 02-CV-6977 (GBD)(SN).

3. The sources of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm's representation of the *Burnett/Iran* Plaintiffs listed in Exhibit A, in connection with the September 11th terror attacks, other court records relating to the *In re Terrorist Attack on September 11, 2001* multidistrict litigation to which these individuals are parties, my communications with other counsel for other plaintiffs in the *In re Terrorist Attack on September 11, 2001* multidistrict litigation, and conversations with these plaintiffs and other family members of these plaintiffs. Any matters about which I lack Personal knowledge are asserted herein upon information and belief.

4. The *Burnett/Iran* Plaintiffs identified in Exhibit A are each family members (in this instance, spouse, parents, children, and siblings), and three estates, of decedents from the terrorist attacks on September 11, 2001, as indicated for each person on Exhibit A.

5. The solatium amounts set forth in Exhibit A are the figures this Court has previously determined appropriate for solatium damages based on familial relationship to the decedent. *See, e.g.*, 03-md-1570, ECF Nos. 3175 at 2; 3300 at 1; 3358 at 9; 3363 at 16; and 3399.

6. The conscious pain and suffering amounts for the three estates set forth in Exhibit A are the figures this Court has previously determined appropriate for compensatory damages for conscious pain and suffering for decedents in this litigation. *See* 03-md-1570, ECF No 2618 at 9; *see, e.g.*, 03-md-1570, ECF Nos. 3226 at 1; 3382 at 2.

7. After reviewing the records available to me regarding other judgments entered by this Court against the Iranian defendants, I have not identified any relief that has previously been awarded to any particular plaintiff identified in Exhibit A to *Burnett/Iran I*.

8. Before filing this motion, I have (1) complied with the due diligence safeguards referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs' Executive Committee (ECF No. 3433) and (2) personally verified that, based on my review of the records available to me regarding other judgments entered by this Court against the Iranian defendants, no relief has previously been awarded to any plaintiff included in the judgment.

9. Accordingly, attached hereto as Exhibit B is a proposed Order of Partial Final Judgment for the Plaintiffs Identified in Exhibit A, conforming to the Court's previous orders.

Dated: July 26, 2017

/s/ Robert T. Haeefe
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In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.	15-cv-9903 (GBD)(SN) ECF Case

**ORDER OF PARTIAL FINAL DEFAULT JUDGMENTS ON BEHALF OF
BURNETT/IRAN PLAINTIFFS IDENTIFIED AT EXHIBIT A
(BURNETT / IRAN I)**

Upon consideration of the evidence and arguments submitted by Plaintiffs identified in Exhibit A to this Order, plaintiffs in *Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.*, 15-cv-9903, who are each a spouse, parent, child, or sibling of a victim killed in the terrorist attacks on September 11, 2001, or an estate of a decedent killed in the attacks, and the Judgment by Default for liability only against the Islamic Republic of Iran, the Islamic Revolutionary Guard Corps, and The Central Bank of the Islamic Republic of Iran (collectively, the “Iran Defendants”) entered on January 31, 2017 (15-cv-9903 ECF No. 85), together with the entire record in this case, it is hereby;

ORDERED that partial final judgment is entered against the Iran Defendants and on behalf of the Plaintiffs *Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.*, 15-cv-9903, as identified in the attached Exhibit A, who are each a spouse, parent, child, or sibling of individuals killed in the terrorist attacks on September 11, 2001, or an estate of a decedent killed in the attacks, as indicated in Exhibit A, , and it is

ORDERED that the Plaintiffs identified in Exhibit A are awarded: solatium damages of \$12,500,000 per spouse, \$8,500,000 per parent, \$8,500,000 per child, and \$4,250,000 per sibling, as indicated in Exhibit A; and it is

ORDERED that the Plaintiffs identified in Exhibit A are awarded: compensatory damages for conscious pain and suffering in an amount of \$2,000,000 per estate, as indicated in Exhibit A; and it is

ORDERED that the Plaintiffs identified in Exhibit A are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from September 11, 2001 until the date of judgment; and it is

ORDERED that that the Plaintiffs identified in Exhibit A may submit an application for punitive damages at a later date consistent with any future rulings made by this Court on this issue, and it is

ORDERED that the these plaintiffs and the remaining *Burnett* Plaintiffs not appearing on Exhibit A may submit in later stages applications for damages awards, and to the extent they are for solatium or by estates for compensatory damages for conscious pain and suffering of decedents from the September 11 attacks, they will be approved consistent with those approved herein for the Plaintiffs appearing on Exhibit A.

Dated: New York, New York
_____, 2017

SO ORDERED:

GEORGE B. DANIELS
United States District Judge